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April 3, 2023

VIA ECF

Hon. Analisa Torres
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Aljahmi. v. 1738 Finest Deli Inc *et al.*
Case No.: 22-cv-4138 (AT)

Dear Judge Torres:

We represent Plaintiff in this matter. We write to request an extension of the deadline to file a default judgment against Corporate Defendant 1738 Finest Deli Inc. until after the claim against the answering defendant, Defendant Aljahmi, is resolved or, if the Court declines to grant this request, until April 18, 2023.

We respectfully request that the Court adjourn the deadline to move for a default judgment against the defaulting Defendant in order to avoid the possibility of inconsistent judgments between the defaulting Defendant and Defendant Aljahmi, who is defending himself in this matter. Courts have declined to enter a default judgment against a non-answering defendant when there were answering defendants in the matter because of the risk of inconsistent judgments and waste of judicial resources that would arise from having to determine damages for the same work more than once. Lemache v. Tunnel Taxi Mgmt., LLC, 354 F. Supp. 3d 149, 154 (E.D.N.Y. 2019) (citing cases). Further, the defaulting Defendant owned a deli that is now closed, and prior to discovery it is difficult to know whether it even possesses any assets that warrant the Court and parties' expenditure of time and resources. We therefore respectfully request that the Court adjourn Plaintiff's deadline to move for a default judgment until after the claim against Defendant Aljahmi is resolved.

In the alternative, if an adjournment until the resolution of the active claim is not possible, we respectfully request an extension of two approximately weeks until April 18, 2023 in order to account for the Passover holiday that I will be observing.

GRANTED. Plaintiff shall move for default judgment within fourteen days of a final judgment as to Defendant Aljahmi.

SO ORDERED.



ANALISA TORRES
United States District Judge

Dated: April 5, 2023
New York, New York